

INTRADEPARTMENTAL CORRESPONDENCE

July 28, 2020
11.2

RECEIVED
JUL 30 2020 Xp.
POLICE COMMISSION

TO: Chief of Police

FROM: Assistant to the Director, Office of Operations

SUBJECT: SUPPLEMENTAL INFORMATION TO MINORITY OPINION –
USE OF FORCE REVIEW BOARD RECOMMENDATION –
FORCE INVESTIGATION DIVISION CASE NO. F049-19

On July 20, 2020, a Use of Force Review Board (UOFRB) was convened for Force Investigation Division (FID) Case No. F049-19. The deliberations resulted in a minority opinion with regards to the Tactics finding for:

Police Officer III Arturo Vela, Serial No. 38872, Van Nuys Division

The UOFRB was comprised of the following members:

Chair:	Assistant Chief Beatrice Girmala
Office of Operations:	Commander Donald Graham
Personnel and Training Bureau:	Commander Ruby Flores
Operations Valley Bureau:	Commander Alan Hamilton
Peer Member:	Police Officer II Michael Burtner

The minority opines that Police Officer III Arturo Vela substantially deviated from Department approved tactics by **pursuing an armed suspect in apprehension mode while unholstered and not utilizing cover during a foot pursuit. Additionally, Officer Vela left a position of superior cover causing a potential crossfire with other officers on scene.** It is important to note that this opinion was formed due to the totality of Officer Vela's actions and not a result of a single tactical response.

Use of Force – Tactics Directive, No. 3.2, October 2013, in part states:

“When officers have reasonable suspicion to detain a suspect and the suspect flees, the involved officers should make a quick assessment of the situation. They should evaluate the risk to themselves, other officers, the suspect and public safety versus what will be gained by engaging in the pursuit.”

“Pursuing Armed Suspects: When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain

observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties.”

Officer Vela’s statements regarding pursuing an armed suspect in apprehension mode were:

“Oh, first, you stop him. Second, fear that he may hurt somebody as well.”¹

“So that’s a hot pursuit of a felon who has already showed that he’s violent and that’s killed people.”²

“To, just -- yeah, to try to get to him quick, to stop him as quick as I can.”³

“Apprehend him.”⁴

The minority opines Officer Vela substantially deviated from Department approved tactics by failing to seek available cover behind parked vehicles while pursuing Frazier Jr. Officer Vela instead followed Frazier Jr. in tandem on the sidewalk away from cover.

Use of Force – Tactics Directive, No. 3.2, October 2013, in part states:

“Running with a Firearm: Running with a drawn firearm can increase an officer’s chance of having an unintentional discharge. Therefore, under most circumstances, officers will have their firearms holstered when involved in a foot pursuit. However, the drawing and exhibiting of an officer’s firearm while running may be reasonable based on the officer’s reasonable belief that the situation may escalate to the use of deadly force.”

When asked by FID Detective Ruvalcaba regarding how he was holding his gun while running when unholstered, Officer Vela stated:

“Close contact. And I tried my best to just cover towards the -- the buildings knowing that my partner was to my left. Then at a certain point, I tried to, as much as I can, to keep two hands on my -- on my weapon because it’s due to its out, and I didn’t want to cover anybody else that might be in the area.”⁵

The minority opines Officer Vela’s decision to run in pursuit of Frazier Jr. while unholstered and holding his rover in his support hand put himself in a tactical disadvantageous position. Officer Vela was unable to appropriately maintain control of his equipment by dropping his radio. Additionally, Officer Vela is observed on BWV possibly covering his partner due to running with his pistol unholstered.

¹ Officer Vela’s statement, Page 61, Line 11

² Officer Vela’s statement, Page 61, Line 15

³ Officer Vela’s statement, Page 61, Line 21

⁴ Officer Vela’s statement, Page 61, Line 24

⁵ Officer Vela’s statement, Page 21, Line 7

Use of Force – Tactics Directive, No. 3.2, October 2013, in part states:

“During containment operations, good cover is critical to ensure the safety of officers on the perimeter. Cover offers protection from gunfire and allows an officer to safely observe the suspect’s probable position. Also, it is important to ensure that no crossfire situation exists.”

Officer Vela is observed on BWV redeploying from a position of superior cover behind parked vehicles, to a small wall. Officer Vela’s reasoning for this deployment was:

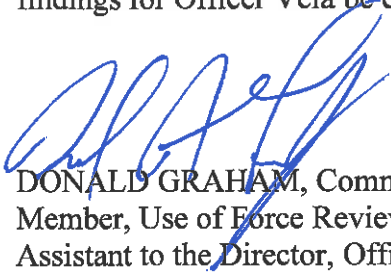
“I set up on that car. At that point -- at that point, we're holding the suspect. And then I'm calling out because I had the better view to see the suspect and the gun on the -- on the sidewalk. I could see movement from his hands from the gun going from, it looked like hand to hand, or it seemed like he was trying to reach for the gun. I already knew his name so I tried to call out his name, tried to give as much commands to him to see if he would comply. At that point, I had a G -- another GND officer approach me to redeploy to get a better view of basically him to see his face and to see the gun better as well.”⁶

The minority opines that Officer Vela’s decision to redeploy from a point of superior cover behind a parked vehicle to a small wall that offered inferior cover contributed to the substantial deviation. Officer Vela redeployed to gain a better perspective on the location of Frazier Jr.’s pistol. This resulted in a poor tactical choice that potentially created a crossfire between himself and other Gang and Narcotics Division (GND) personnel, who were actively covering Suspect Frazier Jr. with lethal munitions. It is also important to note that Officer Vela required multiple commands by a Department supervisor to recall him to a better position of cover which further endangered himself and other personnel on scene.

In summation, the minority opines that the totality of the tactics utilized by Officer Vela after electing to pursue Suspect Frazier Jr. in apprehension mode substantially deviated from department approved tactics. Suspect Frazier Jr. was known to Officer Vela to be extremely violent and was verified by Officer Vela to be armed. Officer Vela had cover available at the time of the foot pursuit and elected not to seek protection behind parked vehicles and ran on the sidewalk directly behind Suspect Frazier Jr. While doing so, Officer Vela ran with his firearm unholstered, while holding his rover in his support hand and is observed on BWV possibly covering his partner. Officer Vela again disregarded the importance of cover by redeploying from a parked vehicle to a small wall, creating a potential crossfire with other GND personnel.

⁶ Officer Vela’s statement, Page 18, Line 7

Based on Department approved tactics, the minority opinion recommends that the Tactics findings for Officer Vela be classified as Administrative Disapproval/Out of Policy.



DONALD GRAHAM, Commander
Member, Use of Force Review Board
Assistant to the Director, Office of Operations